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 11 Attorneys for Phillip Christensen, as Receiver

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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

10  
 11 METROPOLITAN LIFE INSURANCE  
 12 COMPANY, a New York corporation,

13 Plaintiff,

14 vs.

15 ACDF, LLC, a California limited liability  
 16 company, et al.,

17 Defendants.

18 Lead Case No. 1:24-cv-01261-KES-SAB

19 Consolidated with Case Nos:  
 20 1:24-cv-01226; 1:24-cv-01230; 1:24-cv-  
 21 01231; 1:24-cv-01232; 1:24-cv-01233; 1:24-  
 22 cv-01235; and 1:24-cv-01241

23 **SECOND NOTICE OF PROPOSED  
 24 ACTION AND AGREED MOTION TO  
 25 APPROVE DISBURSEMENT OF CROP  
 26 PROCEEDS; MEMORANDUM OF  
 27 POINTS AND AUTHORITIES AND  
 28 DECLARATIONS OF PHILIP  
 29 CHRISTENSEN AND ZEV SHECHTMAN  
 30 IN SUPPORT THEREOF**

31 [Notice Per Receivership Order, Doc. No. 45,  
 32 Paragraph 50]

33

34  Affects All Cases

35  Affects Metropolitan Life Ins. Co. v.  
 36 ACDF, LLC, et al., 1:24-cv-01261

37  Affects Metropolitan Life Ins. Co. v.  
 38 FNF Farms, LLC, et al., 1:24-cv-01226

39  Affects Metropolitan Life Ins. Co. v. C  
 40 & A Farms, LLC, et al., 1:24-cv-01230

41  Affects Metropolitan Life Ins. Co. v.  
 42 Maricopa Orchards, LLC, et al., 1:24-  
 43 cv-01231

44  Affects Brighthouse Life Ins. Co. v.  
 45 Kamm South, LLC, et al., 1:24-cv-  
 46 01232

47  Affects Brighthouse Life Ins. Co. v.  
 48 Manning Avenue Pistachios, LLC, et  
 49 al., 1:24-cv-01233

50  Affects Brighthouse Life Ins. Co. v.  
 51 ACDF, LLC, et al., 1:24-cv-01235

Affects MetLife Real Estate Lending, LLC v. Panoche Pistachios, LLC, et al., 1:24-cv-01241

5 Phillip Christensen, as Receiver (the “Receiver”) in the above-captioned administratively  
6 consolidated civil actions (the “Receivership Cases” or “Receivership”), hereby submits this  
7 Motion (the “Motion”) for entry of an order in the form of Exhibit “1” hereto, approving the  
8 disbursement of proceeds arising from crops grown in 2024 the Receivership properties, in  
9 connection with the estates established in *Metropolitan Life Ins. Co. v. ACDF, LLC, et al.*, 1:24-  
10 cv-01261; *Metropolitan Life Ins. Co. v. FNF Farms, LLC, et al.*, 1:24-cv-01226, and *Brighthouse*  
11 *Life Ins. Co. v. Kamm South, LLC, et al.*, 1:24-cv-01232, pending before this Court (the Subject  
12 Estates” or “Subject Cases”).

13        This Motion is based on the below Memorandum of Points and Authorities, the  
14      Declarations of Phillip Christensen and Zev Shechtman filed concurrently herewith and such other  
15      evidence as may be properly submitted to the Court at or before the hearing.

16 Notice is further given that any objection to this Motion must be filed within seven days  
17 after the filing hereof. See Appointment Orders ¶ 50. If no party-in-interest files a written  
18 objection within seven days hereof, the Receiver may submit the proposed order for entry by the  
19 Court, supported by a declaration attesting that no objections were filed.

20 The Receiver's counsel has met and conferred with counsel to Prudential and U.S. Bank,  
21 the two lenders asserting security interests in the Proceeds from the Subject Estates, who have  
22 agreed between them on the distribution of the Proceeds and requested that the Receiver distribute  
23 such Proceeds in the manner set forth herein. The Receiver's counsel has also communicated with  
24 counsel for defendants in the Subject Cases, and they did not state an objection.

1 DATED: January 13, 2026

SAUL EWING LLP

2 By:

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4 ZEV SHECHTMAN

5 Attorneys for Philip Christensen, as Receiver

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## MEMORANDUM OF POINTS AND AUTHORITIES

I.

## **INTRODUCTION**

The Receiver prays for the Court's approval of the Motion to approve the disbursement of proceeds arising from crops grown in 2024 on property of the Subject Estates. The proposed disbursement will be paid as follows to the two lenders holding security interests in such proceeds:

\$3,388,956 will be paid to US Bank, comprised of the following amounts: \$1,867,102 from the estate of FNF Farms, LLC, and \$1,521,854 from the estate of Kamm South, LLC.

\$257,885 will be paid to The Prudential Insurance Company of America (“Prudential”) from the estate of ACDF, LLC (Case No. 01261).

Pursuant to the Appointment Orders and in exercise of his sound discretion, the Receiver  
prays that the Court grant this Motion.

II.

## STATEMENT OF FACTS

## A. Receivership Background

Between October 9 and October 16, 2024, the Plaintiffs filed eight Receivership Cases. After briefing and hearings on the appointment of the Receiver, the Court entered agreed orders in the eight cases appointing the Receiver (the “Appointment Orders”). Lead Case, ECF No. 45. On December 10, 2024, the Plaintiffs filed an unopposed motion to consolidate the eight Receivership actions for administrative purposes. Lead Case, ECF No. 53. On December 12, 2024, the Court entered its order consolidating the cases for administrative purposes, allowing parties to file papers relating to the administration of the eight Receivership Cases in the Lead Case. On January 8, 2025, the Court entered an order granting the Plaintiffs’ unopposed motion to continue the Receivership. Lead Case, ECF No. 80.

## **B. Receivership Appointment Order**

The Appointment Orders authorize the Receiver to collect and hold proceeds arising from

1 crops grown in 2023 and 2024 on the Receivership Properties (collectively, the “Proceeds”). Lead  
2 Case, ECF No. 45. With respect to the disbursement of the Proceeds, Section II of the  
3 Appointment Orders state, in relevant part, that:

4       36. The Receiver shall collect and hold the Proceeds in a Receivership account  
5 in trust for creditors with security interests in such Proceeds, to be disbursed by the  
6 Receiver only upon further order of the Court. Prior to disbursement, the existing  
7 security interests of Plaintiff, and any other secured creditor (including U.S. Bank,  
8 as applicable) shall attach to such Proceeds with the same validity, extent, and  
9 priority as they had on the 2023 and 2024 Crops and the products and proceeds  
thereof prior to the appointment of the Receiver. The Receiver shall have no right to  
surcharge the Proceeds and any Receiver’s Certificate issued hereunder shall be  
junior in priority to the security interest of the secured creditors in the Proceeds.

10 Appointment Orders ¶ 36.

11 **C. Progress of the Receivership**

12       Pursuant to the Appointment Orders, the power and duties of the Receiver include the  
13 authority to manage and control the Receivership Properties. Lead Case, ECF No. 45 at ¶ 5.  
14 Pursuant to the Appointment Orders, the Receiver has pursued sales of various Receivership  
15 Properties and conducted cultivation activities, among other receivership services.

16 **D. Sale of Loans and Agreements Among Lenders**

17       On or about December 30, 2025, Prudential purchased certain secured loans of certain of  
18 the above-captioned named plaintiffs, including all of the liens and interests of such plaintiffs in  
19 the Proceeds derived from the Subject Estates. Pursuant to a written agreement between  
20 Prudential and US Bank (a pre-receivership crop lender with liens on the Proceeds produced by  
21 the Subject Estates), each of those parties has agreed to the distribution of Proceeds from the  
22 Subject Estates that is sought for approval in this Motion.

23 **E. Proposed Disbursement**

24       Pursuant to paragraph 36 of the Appointment Orders, the Receiver seeks authority to  
25 disburse Proceeds. Lead Case, ECF No. 45. The Receiver intends to disburse such Proceeds as

1 follows: to US Bank, \$3,388,956, comprised of \$1,867,102 from the estate of FNF Farms, LLC,  
2 and \$1,521,854 from the estate of Kamm South, LLC; and

3 to Prudential, \$257,885 from the estate of ACDF, LLC (Case No. 01261).

4

5 **III.**

6 **LEGAL DISCUSSION**

7 As set forth in the Court's order, the Court holds inherent equitable power to order the  
8 appointment of a receiver and in the oversight of the actions taken by the Court's receiver. Lead  
9 Case, ECF No. 45.; *See Winkler v. McCloskey*, 83 F.4th 720 (9th Cir. 2023) (noting that a  
10 receiver's power derives from the court's equitable authority). The Appointment Orders authorize  
11 and direct the Receiver to collect and hold the Proceeds in a Receivership account in trust for  
12 creditors and disburse the Proceeds only upon further order of the Court. Lead Case, ECF No. 45  
13 at ¶ 36. The Appointment Orders require the Receiver to obtain the Court's approval before  
14 making a disbursement of the Proceeds. Pursuant to the Appointment Orders, the Receiver seeks  
15 authority to disburse Proceeds to pay Prudential and US Bank, given that they are the known  
16 secured lenders holding liens on the Proceeds and have agreed between themselves on how to  
17 divide such Proceeds between them.

18

19

IV.

20 **CONCLUSION**

21 The Receiver respectfully requests that the Court approve the disbursements described  
22 above and authorize the Receiver to make further disbursements of Proceeds to Prudential and US  
23 Bank from the Subject Estates. Further, the Receiver requests that the Court enter an order  
24 granting this Motion to approve disbursement of the Proceeds in the form of Exhibit "1" hereto  
25 and for such other proper relief the Court deems just and proper.

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1 DATED: January 13, 2026

SAUL EWING LLP

2 By:



3 ZEV SHECHTMAN

4 Attorneys for Philip Christensen, as Receiver

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## **DECLARATION OF PHILIP CHRISTENSEN**

I, Phillip Christensen, declare as follows:

1. I am the Receiver in the above-entitled action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to such facts under oath.

2. I make this declaration in support of my above Motion. Defined terms are the same as in the Motion. I have reviewed and approved the Motion described therein.

3. Attached as Exhibit 1 is a copy of the proposed Order.

4. The Receivership Properties are agricultural lands, comprised primarily of pistachio crops in Fresno County.

5. I have determined in my business judgement that the disbursements proposed in the above Motion are necessary and appropriate because the funds are not required for the operation of the Receivership Estate and Prudential and US Bank hold first and second positions as secured creditors with respect to the collateral and are, therefore, entitled to the funds. They have agreed as between themselves how the funds owed to both of them, collectively, should be distributed.

6. I believe in my professional and business judgment that the relief requested in the Motion is in the best interest of these estates and should be approved.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 13th day of January, 2026, at Fresno, California.

DocuSigned by:  
  
60A70524EB78430...  
Philip Christensen

## **DECLARATION OF ZEV SHECHTMAN**

I, Zev Shechtman, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts in the State of California and admitted in this Court. I am a partner with Saul Ewing LLP, counsel of record for Phillip Christensen, as Receiver in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to such facts under oath.

2. I have communicated with counsel for both Prudential and US Bank who informed me about the agreement between them resulting in this Motion. They have both stated their approval to this Motion. Further, before filing this Motion, my practice assistant emailed counsel for the Defendants regarding the relief requested in the above motion. They did not state an objection to the relief sought.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 13th day of January, 2026, at Los Angeles, California.

  
Zev Shechtman

## **PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this case. My business address is: **Saul Ewing  
1888 Century Park East, Suite 1500, Los Angeles, CA 90067.**

A true and correct copy of the document entitled: **Second Notice of Proposed Action and Agreed Motion to Approve Disbursement of Crop Proceeds; Memorandum of Points and Authorities and Declarations of Philip Christensen and Zev Shechtman in Support Thereof** will be served or was served on the judge in chambers in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** The foregoing document will be served by the court via NEF and hyperlink to the document. On January 13, 2026, I checked the CM/ECF docket for this case and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On January 13, 2026, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FAXSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 on January 13, 2026, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 13, 2026      Hannah Richmond      /s/ Hannah Richmond  
Date                      Printed Name              Signature

1     **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING**  
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6 c/o Agent for Service of Process  
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3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE  
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